IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE KURIAN JOSEPH
&
THE HONOURABLE MR. JUSTICE HARUN-UL-RASHID

MONDAY, THE 1ST OCTOBER 2007 / 9TH ASWINA 1929

LA.App..No. 698 of 2004(D)

LAR.298/1993 of PRINCIPAL SUB COURT,KOLLAM
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APPELLANT: 2ND RESPONDENT

M/S. INDIAN RARE EARTH LTD.
(A GOVERNMENT OF INDIA UNDERTAKING) CHAVARA - 691 583, KOLLAM DISTRICT, REPRESENTED BY THE CHIEF EXECUTIVE DIRECTOR.

BY ADV. SRI.A.M.SHAFFIQUE

RESPONDENTS: CLAIMANTS 1 AND 2 & 1ST RESPONDENT:
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1. BALAKUMARAN, S/O. PAPPU, KUVASERIL, VELLANATHURUTHU, ALAPPAD, KARUNAGAPPALLY.

2. BHUVANA CHANDRAN, KUVASRIL, VELLANATHURUTHU, ALAPPAD, KARUNAGAPPALLY.

3. STATE OF KERALA, REPRESENTED BY ITS SPECIAL TAHSILDAR (LA), IRE LTD., CHAVARA.

R1 & 2 BY ADV. SRI.C.HARIKUMAR
SRI.MANOJ RAJAGOPAL
R3 BY GOVERNMENT PLEADER SRI K.V.MANOJ

THIS LAND ACQUISITION APPEAL HAVING BEEN FINALLY HEARD ON 01/10/2007 ALONG WITH LAA 156 & 841 OF 2005, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

KURIAN JOSEPH & HARUN-UL-RASHID, JJ.

L.A.A.Nos.698/2004, 156/2005 & 841/2005

Dated: October 1, 2007

JUDGMENT

Kurian Joseph, J.

These are appeals filed against a common judgment in LAR Nos.298/93, 52/1994 and 72/1993 respectively on the file of the Sub Court, Kollam. The acquisition is for the purpose of Indian Rare Earths Ltd., Chavara. The requisitioning authority is the appellant in all these cases. It is seen that S.4(1) notification is dated 2.5.1989. The Reference Court relied on Exts.A2 and A3 transactions which were duly proved. Those are sale deeds executed on 4.11.1989 and 4.8.1987 respectively. The value shown in those documents is Rs.8400/- and Rs.9000/- per cent respectively. The Reference Court found that the acquired property lies near the bridge whereas the property covered by Exts.A2 and A3 documents are on the western side of the canal. Taking note of the comparative disadvantage of the acquired property, the Reference Court was of the view that 50% of the value given in Exts.A2 and A3 can be reduced for fixing the market value of the acquired property. Though the claimants attempted to rely on Ext.T1 which is a transaction by one of the claimants to his son, the Reference Court rightly refused to follow the same, since it would apparently show that the same was made for claiming a higher compensation for the acquired property. Thus, on an overall assessment of the situation, the Reference Court fixed

the land value at Rs.4500/- per cent which, according to us on going through the records, is only a just fixation. Thus there is no merit in these appeals. They are accordingly dismissed.

KURIAN JOSEPH
JUDGE

HARUN-UL-RASHID
JUDGE.

mt/-

Page numbers

I.A.No.1129/2005 in L.A.A.No.841 of 2005

Delay condoned

I.A.No.530/2005 in L.A.A.No.156 of 2005
and
I.A.2209/2005 in L.A.A.No.841 of 2005

Dismissed

KURIAN JOSEPH
JUDGE

HARUN-UL-RASHID
JUDGE.

mt/-